W.P. No. 535 of 2003 (SB)

Hon. P.C. Verma, A.C.J.
Hon. Rajesh Tandon, J.

Heard Mr. D.S. Patni, learned counsel for the petitioner and learned Chief Standing Counsel for the State.

This writ petition has been filed by the petitioner seeking a writ of mandamus to command the respondents to regularise the services of the petitioner on the post of Medical Officer Ayurvedic with all consequential benefits.

The facts of the case are that the petitioner was appointed in the year 1981 in District Board Hospital, District Almora. On 17.9.92 the hospital was provincialised and the petitioner continued to work with the same hospital on the same terms and conditions under which he was working. The petitioner is working in the same hospital till date, which stands provincialesed. Now, it does not belong to Jila Panchayat. Therefore, the petitioner has prayed that now since he is a Government servant, his services are to be regularised under the Regularisation of Adhoc Appointment Rules, 2002. The prayer of the petitioner is mis-conceived. According to the petitioner's case, itself, that he was appointed on temporary basis, the rules providing for regularisation of ad hoc appointments cannot be made applicable as the petitioner was appointed regularly, but against the temporary post. Therefore, his appointment was made temporary. Thus, the relief prayed for cannot be granted to the petitioner.

In view of the aforesaid facts, petition is devoid of merit and is therefore dismissed. However, it is open for the petitioner to avail any other relief to which he is entitled.

Dt. 23.12.2003.
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